

Chapter 17.66

LIBRARY DEVELOPMENT FEE

(3333-11/96, 3344-1/97, 3827-4/09, 3879-6/10)

Note: Ordinance No. 3827 (expired 4/15/10) and Ordinance No. 3879, effective from 5/3/10 to 5/3/11, temporarily defer the payment of certain Development Impact Fees.

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17.66.010 Purpose. The purpose of this Chapter is to establish a Library Development Fee that imposes upon future Development Projects an equitable share of the cost of mitigating future Library Facility needs created by such projects. (3333-11/96)

17.66.020 Definitions. For the purposes of this Chapter, the following terms shall be defined as follows: (3333-11/96)

- (a) “**Building and Safety Director**” shall mean the Building and Safety Director of the City of Huntington Beach or his/her designee. (3333-11/96)
- (b) “**Commercial or Industrial Development Project**” shall mean the construction of new Floor Area on a lot in any of the Non-Residential Zoning Districts of the City. (3333-11/96)
- (c) “**Development Project**” means any residential, commercial or industrial Development Project. (3333-11/96)
- (d) “**Governmental or Public Facilities**” shall mean publicly owned buildings and structures used for the purposes of conducting City, County, State or Federal Government business. Such facilities shall include, but not be limited to, city halls, police and fire stations, offices, equipment yards, sanitation facilities, schools, recreation centers, and similar facilities. Private commercial Development Projects leasing publicly owned land shall not be considered Governmental or Public Facilities. (3333-11/96)
- (e) “**Floor Area**” shall mean the area of all floors and levels as defined in the Huntington Beach Building Code. (3333-11/96)
- (f) “**Library Facilities**” means library building space and Library Materials, which are owned and operated by the City of Huntington Beach. (3333-11/96)
- (g) “**Library Materials**” means books, magazines, video cassettes, compact disks, computer programs, and other reference and circulation materials. (3333-11/96)
- (h) “**Planning Director**” shall mean the Planning Director of the City of Huntington Beach, or his or her designee. (3333-11/96)

- (i) “Residential Development Project” shall mean the construction of a dwelling unit on a lot in any of the residential zoning districts of the City. For purposes of this Chapter, the addition of Floor Area shall be considered construction of a Residential Development Project if the additional Floor Area exceeds fifty (50) percent of the existing Floor Area, as determined by the Building and Safety Director. (3333-11/96)

17.66.030 Establishment of a Library Development Fee. Except as otherwise provided in this Chapter, the applicant for a building permit for a Development Project shall pay a Library Development Fee in an amount established by resolution of the City Council. (3333-11/96)

17.66.040 Exceptions. The following development activities shall be exempt from the requirement of a payment of a Library Development Fee: (3333-11/96)

- (a) Governmental or Public Facilities. (3333-11/96)
- (b) Churches, temples, synagogues, and other buildings or structures used for religious worship. (3333-11/96)
- (c) Private schools which meet the requirements contained in California Education Code § 48222, or its successor, so that attendance at such schools complies with California compulsory education requirements. (3333-11/96)
- (d) In order to ensure that the Library Development Fee requirement set forth in this Chapter will not be contrary to the public interest or prevent the development of a public service project, the City Council may waive all, or any portion of the fee if the Council determines that a development will serve a public purpose or satisfy a public need and that the fee will hinder such development. (3333-11/96)

17.66.045 Calculation of Required Fees. The Building and Safety Director shall calculate the fees required by this Chapter prior to the issuance of the building permit for a Development Project. (3333-11/96, 3344-1/97)

17.66.050 Payment of Fees. The payment of fees required by this Chapter shall be made according to the following procedures: (3333-11/96, 3827-4/09, 3879-6/10)

Note: Ordinance No. 3827 (expired 4/15/10) and Ordinance No. 3879, effective from 5/3/10 to 5/3/11, temporarily defer the payment of certain Development Impact Fees.

- (a) Payment Procedure for Commercial or Industrial Development Projects. Fees required by this Chapter from a Commercial or Industrial Development Project shall be paid at the time that the City issues a building permit for the project. (3333-11/96, 3827-4/09, 3879-6/10)

Note: Ordinance No. 3827 (expired 4/15/10) and Ordinance No. 3879, effective from 5/3/10 to 5/3/11, temporarily defer the payment of certain Development Impact Fees.

- (b) Payment Procedure for Residential Development Projects. The fee required by this Chapter from a Residential Development Project shall be paid before final inspection of the dwelling unit on which the fee was imposed. However, the Planning Director may adopt procedures to advance the time the fee is due on Residential Development Projects consistent with *Government Code* § 66007, as amended. (3333-11/96, 3344-1/97, 3827-4/09, 3879-6/10)

Note: Ordinance No. 3827 (expired 4/15/10) and Ordinance No. 3879, effective from 5/3/10 to 5/3/11, temporarily defer the payment of certain Development Impact Fees.

17.66.060 Fee Adjustments. Any person subject to a fee required by this Chapter may apply to the City Council for a reduction, adjustment or waiver of that fee based upon the absence of a reasonable relationship between the impact of that person’s Development Project on Library

Facilities demand in the City of Huntington Beach and either the amount of the fee charged or the type of facilities to be provided. (3333-11/96)

- (a) Application. There shall be a separate application for each fee adjustment request made pursuant to this Section. Such application shall be made on forms provided by the Planning Director and shall be filed with the City Clerk not later than: (1) thirty (30) days prior to the public hearing on a land use entitlement application for the Development Project or (2) if no such permit is required, the time of application for a building permit for the Development Project. Each application shall state in detail the factual basis for the request for reduction, adjustment or waiver. (3333-11/96)
- (b) Hearing. The Planning Commission shall consider the fee adjustment application at the public hearing regarding the application for a Development Permit, or, when no public hearing regarding a development permit is required, at a separate hearing by the Planning Commission within sixty (60) days after the fee adjustment application is deemed complete by the City Clerk. (3333-11/96)
- (c) Appeal. Any interested person may appeal the decision of the Planning Commission to the City Council. (3333-11/96)

17.66.070 Fee Refunds. Upon application, fees collected by the City pursuant to this Chapter shall be refunded under the following circumstances: (3333-11/96)

- (a) Fees collected pursuant to this Chapter are erroneously or illegally collected. An application for refund pursuant to this subsection (a) shall be filed with the Building and Safety Director no later than ninety (90) days after the initial payment of the fee pursuant to § 17.66.050 of this Chapter. (3333-11/96)
- (b) The building permit expires, and no extension has been granted, for the Development Project upon which fees were imposed pursuant to this Chapter. An application for refund pursuant to this subsection (b) shall be filed with the Building and Safety Director no later than ninety (90) days after expiration of the building permit. (3333-11/96)